

PUBLIC

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19 June 2008

UA 173/08 Fear of torture or ill-treatment/ fear of enforced disappearance

SUDAN Zubeida Sandal Hajjar (f), aged in her early 30s
Hashem Abdel Shakour Haslem, (m), her nine-month-old son
Zahra Sandal Hajjar (f) aged in her late 20s, sister of Zubeida Sandal Hajjar

Zubeida Sandal Hajjar, her nine-month-old son Hashem Abdel Shakour Haslem, and her sister Zahra Sandal Hajjar were arrested by the National Intelligence and Security Services (NISS) in Khartoum on 8 June. They are believed to be held incommunicado in a NISS detention centre, where they are at risk of torture, ill-treatment or enforced disappearance.

Zubeida Sandal Hajjar's husband is Abdel Shakour Hashim Derar, a lawyer and member of the Darfur Bar Association. He was arrested by the NISS in Khartoum on 14 May, on suspicion of involvement in a military attack on Khartoum by the Justice and Equality Movement (JEM), a Darfurian armed opposition group (see UA 139/08, AFR 54/026/2008, 23 May 2008). He is being held incommunicado at an unknown location. The two women are also sisters of a JEM commander, Suleiman Sandal Hajjar.

On 8 June, a group of plain-clothed NISS agents went to Zubeida Sandal Hajjar's house in Khartoum and asked her to go with them, telling her that her husband wanted to see their nine-month-old son. Zubeida Sandal Hajjar took the baby with her, and asked her sister Zahra Sandal Hajjar to accompany them. The three have not been seen since. On 11 June, a relative visited the NISS Headquarter in the capital to inquire about their whereabouts but NISS indicated that "we do not have any information about them". However, Amnesty International has learned from human rights activists that the three were seen by former detainees in a NISS detention facility in North Khartoum, where they were reportedly held incommunicado. It is feared that the two women and the infant have been taken into custody as a way to put pressure on Abdel Shakour Hashim Derar or to extract information on their brother.

Amnesty International is concerned for the wellbeing of the two women and child, and is particularly seeking guarantees from the authorities that the mother and child have adequate access to nutrition, health care and security, as well as access to legal representation and family visits.

BACKGROUND INFORMATION

The conflict in Darfur started in 2003, when the Sudan Liberation Army (SLA) and the JEM, both Darfur-based opposition groups, took up arms against the Sudanese government in protest at their perceived marginalisation of the Western state and the oppression of non-Arab tribes in Darfur. On 10 May 2008, the JEM launched a military attack on the outskirts of Khartoum. The attack marked the beginning of a new phase of the conflict in Darfur, with an armed opposition group reaching the edges of the capital for the first time. Many members of the JEM were reportedly killed during the attack and scores of individuals, mainly Darfuris, were arrested by police and National Intelligence and Security Services in the capital on suspicion of being implicated in the military attack.

Prolonged incommunicado detention is prohibited by international human rights standards, such as the International Covenant on Civil and Political Rights (ICCPR), ratified by Sudan. Article 9 of the ICCPR states that anyone "arrested or detained on a criminal charge shall be brought promptly before a judge". Although Sudan's Criminal Procedure Code contains safeguards against incommunicado detention, Article 31 of the National Security Forces Act, which governs arrests by the NISS, allows prolonged incommunicado detention without charge or trial. Such detention without access to the outside world and without any outside inspection increases

the likelihood for torture to take place. Amnesty International has criticised the provisions under the National Security Forces Act.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic, English or your own language:

- calling on the authorities to reveal the whereabouts of Zubeida Sandal Hajjar, her nine-month-old son Hashem Abdel Shakour Haslem, and her sister Zahra Sandal Hajjar;
- calling for the two women to be released immediately if they are not charged with a recognizable criminal offence;
- urging the authorities to grant Zubeida Sandal Hajjar, her son and her sister access to lawyers and to family visits
- calling on the authorities to ensure the health and safety of the two women and Hashem Abdel Shakour Haslem, including ensuring that he is not separated from his mother against her will during custody;
- calling for assurances that they are being treated humanely, and not tortured or ill-treated;
- urging the authorities to repeal Article 31 of the National Security Forces Act, which allows detainees to be held for up to nine months without access to judicial review.

APPEALS TO:

Mr Abdel Basit Sabderat
Minister of Justice
Federal Ministry of Justice, PO Box 302, Khartoum, Sudan
Fax: +249 183 770883
Salutation: Dear Minister

Mr Ibrahim Mohamed Hamed
Federal Ministry of the Interior
PO Box 2793, Khartoum, Sudan
Fax: +249 1 8377 6554
Salutation: Dear Minister

COPIES TO:

Dr Abdel Moneim Osman Taha
Rapporteur, Advisory Council for Human Rights, Khartoum, Sudan
Fax: +249 183 77 08 83

Mr Babiker Abdulatif
Head of the General Prosecution Attorney Bureau for Khartoum State
Fax: +249 183 770883

Dr Priscilla Joseph
Chair of the Human Rights Committee, National Assembly, Omdurman, Sudan
Fax: +249 187 560 950

and to diplomatic representatives of Sudan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 July 2008.